THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22562 of 2006

01.11.2006

Between:

Kaikala Sitaramaiah alias Abbulu, S/o.Late Appa Rao

... Petitioner

AND

The Mandal Revenue Officer, Rampachodavaram, East Godavari District

And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22562 of 2006

ORDER:

The petitioner filed the instant writ petition seeking a writ of Mandamus directing the first respondent to finalise the enquiry and protect the land which is subject matter of the enquiry pending decision of the first respondent.

It is the case of the petitioner that after partition between him and his brother Surya Rao, he got land admeasuring Acs.2.35 in survey No.96/1 situated at Rampachodavaram in East Godavari District. But the Mandal Revenue Officer (MRO), Rampachodavaram Mandal, issued notice of enquiry on an application made by the second respondent herein claiming an extent of 1000 Sq.yards. The enquiry was scheduled on 11.10.2006. The petitioner alleges that though enquiry was conducted on that day, the first respondent is not taking any steps to finalise the same. Therefore, he filed the present writ petition is filed.

The writ petition is filed on 30.10.2006 about three weeks after the enquiry conducted by the MRO. If such a writ petition is filed alleging delay on the part of the MRO, the same cannot be considered. The jurisdiction under Article 226 of Constitution of India is not intended to remedy such perceived illegalities. The MRO acted very fairly in issuing notice of enquiry and in conducting enquiry.

The writ petition is misconceived and is accordingly dismissed.

No costs.

November 01, 2006 (**V.V.S.RAO,J**)
YS